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**7 Attorneys for Defendant
McKesson Corporation**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

13 DAVID R. TUCKER, on his behalf and on
behalf of all statutory beneficiaries of
14 MICHELLE L. TUCKER, Deceased,

15 | Plaintiffs,

16 v.

17 MCKESSON CORPORATION, KV
18 PHARMACEUTICAL COMPANY,
ETHEX CORPORATION and THER-RX
CORPORATION.

Defendants.

CASE NO. CV-10-02981-SBA

**STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITHOUT
PREJUDICE OF DEFENDANT
MCKESSON ONLY**

Hon. Saundra Brown Armstrong

Complaint filed: June 8, 2010
Trial Date: None Set

22 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff,
23 DAVID R. TUCKER, on his behalf and on behalf of all statutory beneficiaries of
24 MICHELLE L. TUCKER, Deceased, by and through their respective counsel of record,
25 Lowell W. Finson of Philips National Injury Law Group, and Defendant, MCKESSON
26 CORPORATION, by and through their attorney of record Pamela M. Ferguson of
27 Lewis Brisbois Bisgaard & Smith LLP, that this action be dismissed, without prejudice.

09/23/2010 04:45 102460372
Sep-23-10 09:51pm From:

T-703 D378 F-524

1 as against Defendant MCKESSON CORPORATION, each party to bear their own
 2 costs and attorneys' fees.

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4 DATED: September 23, 2010 PHILIPS NATIONAL INJURY AW GROUP

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By:

7 Lowell W. Finson
 8 Attorneys for Plaintiff, DAN D.R.
 9 TUCKER, on his behalf and on behalf of all
 10 statutory beneficiaries of MICHELLE L.
 11 TUCKER, Deceased

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11 DATED: September , 2010

LEWIS BRISBOIS BISGAARD & SMITH LLP

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By:

14 Duane C. Musfelt
 15 Pamela M. Ferguson
 16 Shahram Nassi
 17 Attorneys for Defendant
 18 McKesson Corporation

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ORDER OF DISMISSAL WITHOUT PREJUDICE

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OCTOBER

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IT IS SO ORDERED this 12 day of September, 2010.

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Saundra B. Armstrong

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HONORABLE SAUNDRA B. ARMSTRONG
 24 UNITED STATES DISTRICT COURT JUDGE

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LEWIS
BRISBOIS
BISGAARD
& SMITH LLP
ATTORNEYS AT LAW

4312-3790-4125.1

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

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CV-10-02981-SBA
WITHOUT PREJUDICE

1 as against Defendant MCKESSON CORPORATION, each party to bear their own
2 costs and attorneys' fees.

3

4 DATED: September ___, 2010 PHILIPS NATIONAL INJURY LAW GROUP

5

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By:

Lowell W. Finson
Attorneys for Plaintiff, DAVID R.
TUCKER, on his behalf and on behalf of all
statutory beneficiaries of MICHELLE L.
TUCKER, Deceased

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DATED: September 24, 2010 LEWIS BRISBOIS BISGAARD & SMITH LLP

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By:


Duane C. Musfelt
Pamela M. Ferguson
Shahram Nassi
Attorneys for Defendant
McKesson Corporation

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ORDER OF DISMISSAL WITHOUT PREJUDICE

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IT IS SO ORDERED this ___ day of September, 2010.

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HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE

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CERTIFICATE OF SERVICE
Tucker v. McKesson Corporation, et al.
U.S.D.C., Northern District, Case No. CV-02981-SBA

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On September 24, 2010, I served the following document(s): **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE OF DEFENDANT MCKESSON ONLY**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

<p>Attorneys for Plaintiffs</p> <p>Joshua S. Parilman Lowell W. Finson PHILLIPS NATIONAL INJURY GROUP 20 East Thomas Road, 26th Floor Phoenix, AZ 85012 Phone: 602-258-8900 Fax: 602-288-1632 parilman@aol.com lowellf@phillipslaw.ws</p>	<p>Bonnie Lau Karen Marchiano Sonnenschein Nath & Rosenthal LLP 525 Market Street, 26th Floor San Francisco, CA 94105 Phone: 415-882-5000 Fax: 415-882-0300 blau@sonnenschein.com kmarchiano@sonnenschein.com</p> <p>Gary M. Roberts Sonnenschein Nath & Rosenthal LLP 601 South Figueroa Street, Suite 2500 Los Angeles, CA 90017 Phone: 213-623-9300 Fax: 213-623-9924 groberts@sonnenschein.com</p>
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The documents were served by the following means:

[X] (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.

[X] (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on September 24, 2010, at San Francisco, California.

Nancy Lew-Pham